



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes BOARD OF ZONING APPEALS

*James A. Mills, Ward 3, Chairman*  
*J. K. Lowman, Ward 2, Vice Chairman*  
*Brad N. Leskoven, Ward 1*  
*David Hunter, Ward 4*  
*Ronald Clark, Ward 5*  
*Bobby Van Buren, Ward 6*  
*Justice Barber, Ward 7*

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**Monday, September 28, 2015**

**6:00 PM**

**City Hall Council Chambers**

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*Present: James Mills, J. K. Lowman, Justice Barber, Brad N. Leskoven, David Hunter,  
Bobby Van Buren and Ronald Clark*

*Staff:*

*Rusty Roth, Development Services Manager*  
*Brian Binzer – Director Development Services*  
*Shelby Winkles Planning Administrator*  
*Jasmine Chatman, Planner*  
*Daniel White, City Attorney*  
*Ines Embler, Secretary to the Board*

### **CALL TO ORDER:**

*Mr. Mills called the September 28, 2015 meeting of the Board of Zoning Appeals to order at 6:00 PM.*

### **MINUTES:**

#### **20150851 August 31, 2015 Board of Zoning Appeals Meeting Minutes**

#### **Review and Approval of the August 31, 2015 Board of Zoning Appeals Meeting Minutes.**

*Mr. Lowman made a motion, seconded by Mr. Hunter that the August 31, 2015 Board of Zoning Appeals meeting minutes be approved. The Motion carried 7-0-0.*

**A motion was made by Board member Lowman, seconded by Board member Hunter, that this Minutes be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 7**

**VARIANCES:****20150783****V2015-43 [VARIANCE] DANIAL A. & SHANILA KURASHI**

**V2015-43 [VARIANCE] DANIAL A. & SHANILA KURASHI is requesting variances for property located in Land Lot 1071, District 16, Parcel 0250, 2nd Section, Marietta, Cobb County, Georgia and being known as 772 Allgood Road. Variance to allow gravel as the surface for parking; variance to reduce the setbacks for an accessory structure. Ward 6A.**

*A public meeting was held.*

*Mr. & Mrs. Kurashi, the applicants, presented a request for a variance to allow gravel as the surface for parking; variance to reduce the setbacks for an accessory structure in order to avoid hardship to owner as removing the accessory structures would require total disassembly.*

*The board members asked questions pertaining to the gravel, property line, drainage and whether permits were previously obtained. They also asked if at least one of the accessory structures could be moved.*

*Mr. Kurashi explained that they acquired permits from the City for all the work and everything was inspected and permitted. He said there were no issues with erosion or drainage and explained that the accessory structure is on cinder blocks and would need to be completely dismantled if it were to be moved.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Van Buren to grant the application on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Lowman. The Motion carried 7-0-0.*

**A motion was made by Board member Van Buren, seconded by Board member Lowman, that this variance be Approved and Finalized. The motion CARRIED by the following vote.**

**Absent: 0**

**Vote For: 7**

**20150784****V2015-44 [VARIANCE] MARC VAN EEKEREN & DEIDRE GRISCO**

**V2015-44 [VARIANCE] MARC VAN EEKEREN & DEIDRE GRISCO is requesting a variance for property located in Land Lot 00780, District 17, Parcel 0440, 2nd Section, Marietta, Cobb County, Georgia and being known as 1177 Powder Springs Street. Variance to allow a 12 foot wall or fence along Powder Springs Street. Ward 2B.**

*A public meeting was held.*

*Ms. Mary Lanning, landscape architect, speaking on behalf of the applicants, presented a request for a variance to allow a 12 foot wall or fence along Powder Springs Street in order to minimize noise off Powder Springs Street.*

*Ms. Lanning explained the reason for requesting a twelve foot fence was due to the topography of the property and explained how the view would appear lower in some areas depending on the angle. She said they would not be opposed to placing the fence in a similar fashion as the one across the street.*

*Mr. Lowman and Ms. Barber asked questions about the materials to be used and Ms. Lanning explained that the owners have not made a decision as to the material to be used. The original plan was for a concrete wall as across the street, however, due to budget constraints that was no longer feasible. She said they have three types of materials currently being considered; masonry, trex (a composite) and picket or wrought iron type fence and explained that they would also add plants to help with the noise as these type of structures do not offer sound barriers.*

*Mr. Lowman asked if from a sound attenuation aspect, if there was any scientific or engineering basis for having a twelve foot tall fence and Ms. Lanning said yes, and explained.*

*Mr. Van Buren and Ms. Barber asked for clarification as to the variation of dimensions and the placement of the fence. Essentially, would a ten foot fence give a six foot buffer from the road? Ms. Lanning affirmed and said they are asking for an eight foot fence from the right of way. That what they are trying to do is match what is across the street.*

*There were three (3) in opposition to this variance. Mr. Grif Chalfant, Mr. Michael Cherches and Mr. Victor Jester opposed.*

*Mr. Chalfant would not be opposed to a fence that is four feet above the side walk. He feels that would fit the spirit of the stipulations that are in the city zoning ordinance. He feels the materials to be used should be stated at the time of the presentation and if they are unable to make that decision tonight, then the case should be tabled until the next meeting in order to allow them more time to present exact plans.*

*Mr. Cherches spoke on behalf of Dunleith Homeowner's Association. They are concerned that a twelve foot barrier type of wall would be unattractive and inconsistent with the surrounding area. He feels it's hard to visualize as they have not specified what type of material they will use for this wall.*

*Mr. Jester stated that he is all for property rights of individuals and in keeping with that, his property rights end where yours begins. He would like to know specifically what type of material would be used to construct the fence; exactly what is being proposed. In his opinion, the fence would only be acceptable if it is limited to four feet above the grade of the sidewalk. He is requesting that this variance have more specific information about the type of material and exactly where it's going to be built before an approval is made on it. He stated that the previous owners had quite a bit of foliage along that area that blocked quite a bit of sound and the new owners removed it.*

*The public hearing was closed.*

*Mr. Lowman and Ms. Justice discussed further with Ms. Lanning the materials being considered and the placement of the fence. They also discussed the possible positives and negatives of a final decision tonight vs. tabling the request to the next meeting and weighing the options, Ms. Lanning felt that tabling the variance request would be in the best interest of the applicants.*

*A motion was made by Ms. Barber to table this variance request until the October 26, 2015 Board of Zoning Appeals meeting and to waive the \$100 re-advertising fee. It was seconded by Mr. Lowman. The Motion carried 6-1-0. Mr. Mills opposed.*

A motion was made by Board member Barber, seconded by Board member Lowman, that this variance be Tabled. The motion CARRIED by the following vote.

Absent: 0

Vote For: 6

Vote Against: 1

20150785

V2015-45 [VARIANCE] RS2 HOLDINGS LLC / SCOTT HICKMAN

V2015-45 [VARIANCE] RS2 HOLDINGS LLC / SCOTT HICKMAN is requesting variances for property located in Land Lot 12140, District 16, Parcel 0890, 2nd Section, Marietta, Cobb County, Georgia and being known as 700 Lawrence Street. Variance to allow a 6' tall chain link fence in a major side yard; variance to allow barbed wire on a fence in a yard fronting a street on property zoned for commercial. Ward 1A.

*A public meeting was held.*

*Mr. Robert Taylor and Mr. Bret Graham, on behalf of the applicant, presented a request for a variance to allow a six (6) foot tall chain link fence in a major side yard; variance to allow barbed wire on a fence in a yard fronting a street on property zoned for commercial in order to increase security due to the nature of the business.*

*Mr. Van Buren asked if they were with the fence company and Mr. Taylor replied that they are not with the fence company.*

*Mr. Van Buren asked for clarification as to the status of the fence completion and placement throughout the property and Mr. Taylor explained where the fence will surround the building once completed and where the barbed wire will be.*

*Ms. Barber asked if the six foot height of the fence included the barbed wire and Mr. Taylor said it would be six feet tall to the top of the fence and then the barbed wire would be on top of that.*

*Mr. Van Buren asked if there were any security problems at the property and Mr. Taylor explained that the business deals with providing proprietary equipment to the Georgia Lottery Commission and although they have not had any security issues, they are being proactive with their security measures. He said the barbed wire above the chain link fence is additional security for peace of mind.*

*Mr. Hunter asked about a proposed wind screen. Mr. Taylor said a wind screen or foliage would be the plan if the barbed wire is not approved. Mr. Graham said that other than around the rolling gate, he would be willing to put Leyland Cypress trees or Bamboo Nandina trees along the fence, which would grow well above the fence line so that the barb wire would not be visible.*

*Mr. Leskoven asked if there was any consideration to a wrought iron fence and Mr. Taylor explained that if he had known prior to installing the current fence that the ordinance did not allow for barbed wire, he would have considered a wrought iron fence, but that now he has invested too much money into the chain link fencing.*

*Mr. Van Buren asked if the fence company was not aware of the variance. Mr. Taylor*

*explained that the fence company has been in business for over thirty years and was probably not aware of the changes in the ordinance as he installed many of the fences in the surrounding area many years ago.*

*Ms. Barber asked for clarification as to whether or not the barbed wire would clear six feet in some areas due to the topography of the land and asked how many feet would it be in the lower level areas. Mr. Taylor said he was not a fence contractor and was unable to respond with a definitive answer.*

*There was no opposition to this variance.*

*The public hearing was closed.*

*A motion was made by Mr. Hunter to grant the application with the stipulations that the fence be finished and that Leyland Cypress trees and Nandina shrubs to be planted along the Ayers Avenue side of the property, except for the area at the rolling gate, at a height that will exceed the height of the barbed wire from the street on the basis that it would not be detrimental or injurious to the property or the improvements in the vicinity of the development or to the public health, safety or general welfare. It was seconded by Mr. Lowman. The Motion carried 6-1-0. Mr. Leskoven opposed.*

**A motion was made by Board member Hunter, seconded by Board member Lowman, that this variance be Approved as Stipulated. The motion CARRIED by the following vote.**

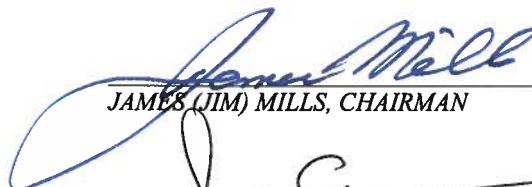
**Absent: 0**

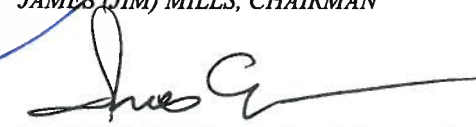
**Vote For: 6**

**Vote Against: 1**

## **ADJOURNMENT:**

*The September 28, 2015 meeting of the Board of Zoning Appeals was adjourned at 7:02 PM.*

  
JAMES (JIM) MILLS, CHAIRMAN

  
INES EMBLER, SECRETARY

